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POLITICAL ACTIVITY OF AGRICULTURAL CONSERVATION ASSOCIATION EMPLOYEES, INCLUDING COMMITTEEMEN, DELEGATES AND OFFICERS.

The recent passage on August 2, 1939, of the Hatch Act, "to prevent pernicious political activities" on the part of Government employees and others, and the elections which are scheduled to occur throughout the country within the coming year have made it advisable to call the attention of employees of agricultural conservation associations, including committeemen, delegates, and officers thereof, to the various restrictions on political activity which are applicable to such persons. It is the purpose of this memorandum to indicate and describe briefly the political activities in which such persons may or may not engage and to answer practical questions that are likely to arise in the near future with regard to political assessments. Set out in the memorandum are the principal rules and laws which restrict the political activity of agricultural conservation association employees, including committeemen, delegates, and officers. In general, such employees must not solicit political contributions from other agricultural conservation association employees, employees of the Agricultural Adjustment Administration, or other Government employees, or persons drawing Federal emergency relief benefits. They are free to make voluntary political contributions. They may not run for or hold elective Federal, State, or major county offices, but may run for or hold other offices. They may not serve as officers or employees of political organizations or use the property or facilities of the association for political purposes. The memorandum mentions specifically several criminal statutes which are applicable to certain forms of political activity by agricultural conservation association employees and other persons. This memorandum is not intended for the guidance of officers and employees of the Agricultural Adjustment Administration, whose political activity is subject to broader and more numerous restrictions. It is desirable that all committeemen, delegates, officers, and employees of agricultural conservation associations read the following paragraphs thoroughly in order that they may be aware of the rules and laws applicable to them regarding political assessments and activity.

A. Political Assessments and Solicitations

It is unlawful for a committeeman, delegate, officer, or employee of an agricultural conservation association, any part of whose salary or compensation is paid from money derived from the United States Treasury, to solicit, assess, or receive contributions for political purposes from any other such person or from a Government officer or employee.<sup>1/</sup> It is illegal for any person to solicit or receive political contributions in buildings used for Government business <sup>2/</sup> or to send letters to such buildings requesting political contributions.<sup>3/</sup> The Criminal Code provides a \$5,000 fine or three years imprisonment, or both, for violators of these rules.<sup>4/</sup>

It is a criminal offense for anyone to solicit or receive political contributions from persons known to be drawing Federal emergency relief benefits.<sup>5/</sup> Criminal penalties are provided for any person who solicits or accepts payment in return for procuring a position in the Government for any other person.<sup>6/</sup> As a general rule, committeemen, delegates, officers, and employees of agricultural conservation associations, whose salary is paid from money derived to any extent from the United States Treasury, must not solicit or assess any other such person or any officer or employee of the Government.

B. Political Contributions

Voluntary political contributions by committeemen, delegates, officers, and employees of agricultural conservation associations are not unlawful.

C. Running for or Holding State, Territorial or Local Offices

Committeemen, delegates, officers, and employees of agricultural conservation associations, upon pain of automatic discharge from their positions in such associations, may not run for or hold elective Federal, State, or major county offices,<sup>7/</sup> but are not barred from being candidates for or holding other offices.

D. Political Activity

The Articles of Association provide that committeemen, delegates, officers, and employees of agricultural conservation associations, upon pain of automatic discharge, may not serve as officers or employees of political parties or organizations and that the property or facilities of the association may not be used for any political purpose.<sup>8/</sup>

E. Miscellaneous

Criminal penalties are provided by statute for any person who promises a Government position or other benefit made possible by any Federal law in return for political activity or non-action by any person.<sup>9/</sup>

It is a criminal offense for any person to intimidate, threaten, or coerce any other person in the exercise of his right to vote as he may choose in elections for Federal offices.<sup>10/</sup>

It is a criminal offense for anyone (1) to deprive or threaten to deprive any person of Federal emergency relief benefits because of political activity (except as the law may require); (2) to furnish or receive lists of Federal emergency relief clients for political purposes; or (3) to use Federal emergency relief moneys or authority to interfere with or coerce any voter.<sup>11/</sup>

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- 1/ 18 U.S.C. 208, Criminal Code 118; U.S.D.A. Regs., §1542
- 2/ 18 U.S.C. 209, Criminal Code 119.
- 3/ United States v. Thayer (1908), 209 U.S. 39.
- 4/ 18 U.S.C. 212, Criminal Code 122.
- 5/ Secs. 5 and 8 of Hatch Act.
- 6/ 18 U.S.C. 150, 151; Att'y. Gen.'s Cir. No. 3301.
- 7/ Arts. of Ass'n., ACP-71, § 1 (4) and 7 (a) (b).
- 8/ Arts. of Ass'n., ACP-71, § 1 (5) and 7 (a) (b).
- 9/ Secs. 3 and 8 of Hatch Act.
- 10/ Secs. 1 and 8 of Hatch Act.
- 11/ Secs. 4, 6, 7, and 8 of Hatch Act.

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